

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

SEP 04 2008

MOLLY C. DWYER, CLERK OF COURT
U.S. COURT OF APPEALS

KENNETH LAKES,

Plaintiff - Appellant,

v.

MICHAEL CHERTOFF, Secretary of
Homeland Security, Customs and Border
Protection, in his official capacity,

Defendant - Appellee.

No. 08-16956

D.C. Nos. 3:05-cv-04874-MMC

07-cv-01792-MMC

Northern District of California,
San Francisco

**TIME SCHEDULE
ORDER**

FILED

SEP - 9 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The parties shall meet the following time schedule:

Fri., August 29, 2008

Appellant/petitioner shall immediately file the civil appeals docketing statement (CADS), pursuant to Circuit Rule 33-1;

Tue., October 14, 2008

Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;

Thu., November 13, 2008

The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and 9th Cir. R. 32-1

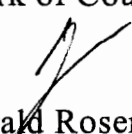
The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1

Appellants/Petitioners without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a). Within 10 days of the filing of the appellant's opening brief, parties may file a statement setting forth the reasons why, in the opinion of the parties, oral argument should be heard.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court



Gerald Rosen
Deputy Clerk